PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alfredo J. Teran et al.

Serial No.: 09/681,907

Filed: 06/22/2001

For: Method For Treating Dye Wastewater

Art Unit: 1724
Examiner: Lithgow, T.

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Commissioner of Patents and Trademarks
Washington, DC 20231

AMENDMENT A

RESPONSE TO RESTRICTION REQUIREMENT
(35 U.S.C. § 121)

This Amendment is in response to paper No. 5 mailed October 16, 2001, having a shortened statutory period for response set to expire November 16, 2001.

The Office Action states that a restriction is required under 35 U.S.C. 121 in that the application contains claims drawn to distinct inventions: Invention I, claims 1-6 and Invention II, claims 7-15. Specifically, the Office Action states that Invention I and II are related as subcombination and combination, respectively, wherein the combination as claimed does not require the particulars of the subcombination as claimed because the combination includes the pretreating step. The Office Action further states that the subcombination has separate utility such as a treating process without the pretreating step.

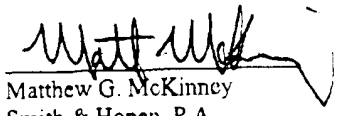
It is urged that a restriction is not required because the separately claimed subcombination (claims 1-6) constitutes the essential distinguishing feature of the combination (claims 7-15) as claimed. The essential distinguishing feature is that of repeating, or recirculating, the wastewater though the ozone system until the amount of oxidation declines to a predetermined level. Thus, whether the method for treating waste rinse water includes a pretreatment step as in Invention II, is not an essential distinguishing feature, but rather a further limitation of the essential distinguishing feature of Invention I as

described above. Thus, the inventions are not distinct and a requirement for restriction must not be made. In addition, a complete examination and search by the Office of any one invention would require a complete search and examination of the claims directed to the other inventions. As a result, it is urged that no added burden would be placed on the Office by a complete examination and search of all the claims of the instant application. Consequently, the restriction is traversed.

Nevertheless, in order to expedite the prosecution of the present application, Applicant elects the invention as included in Claims 1-6. The present response is fully responsive to the office Action since it includes the requirement to include the election of the invention to be examined.

Reconsideration is respectfully requested. If the Office is not fully persuaded as to the merits of applicant's position, a telephone call to the undersigned at (727) 507-8558 is requested.

Respectfully submitted,



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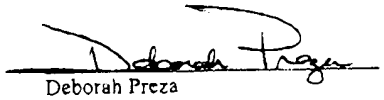
CERTIFICATE OF FACSIMILE TRANSMISSION
(37 CFR 1.8)

I hereby certify that this Amendment A is being transmitted by facsimile to the U.S. Patent and Trademark Office, Attn: Examiner Thomas M. Lithgow, (703) 305-3602 on **November 14, 2001**.



Deborah Preza